

STATE OF DELAWARE



EXECUTIVE DEPARTMENT
DOVER

**EXECUTIVE ORDER
NUMBER THIRTY-EIGHT**

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: PROMULGATION OF THE DELAWARE EMERGENCY OPERATIONS PLAN

WHEREAS, the State of Delaware is vulnerable to a wide range of emergencies, including natural and technological disasters and disasters caused by weapons of mass destruction, all of which threaten the life, health, and safety of its people; damage and destroy property; disrupt services and everyday business and recreational activities; and impede economic growth and development; and

WHEREAS, this vulnerability is exacerbated by the State's growing population, especially the number of persons residing in coastal areas, in the elderly and at-risk populations, and in the number of seasonal vacationers; and

WHEREAS, the State must take all prudent actions to reduce the vulnerability of the people and property of this State; to prepare for the efficient evacuation and shelter of threatened or affected persons; to provide for the rapid and orderly provision of relief to persons and for the restoration of services and property; and to provide for the coordination of activities related to emergency preparedness, response, recovery, and mitigation among agencies and officials of this State, with similar agencies and officials of other states, with local and federal governments, with interstate organizations, and with the private sector; and

WHEREAS, the Governor is responsible for addressing the dangers to life, health, environment, property or public peace within the State presented by emergencies or disasters, and the Department of Safety and Homeland Security, through the Delaware Emergency Management Agency, has principal responsibility for coordinating responses to such dangers by preparing and maintaining a comprehensive plan pursuant to the Delaware Code, Title 20, Chapter 31; and,

WHEREAS, pursuant to 20 DEL. C. § 3106, the Director of the Delaware Emergency Management Agency (the "Director") shall be subject to the direction and control of the Governor and responsible to the Secretary of the Department of Safety and Homeland Security (the "Secretary") for carrying out the program for emergency management of this State; and,

WHEREAS, during an emergency or disaster, the Governor may delegate such powers as the Governor may see fit to the Secretary or to the Director to coordinate the activities of the

State that serve to prevent or alleviate the ill effects of an imminent or actual emergency or disaster and to maintain liaison with emergency support agencies and organizations of other states and of the federal government; and,

WHEREAS, pursuant to Executive Order Number Thirteen, that certain Delaware Emergency Operations Plan dated November 2, 2009 (the "Plan") was adopted by the Governor as the "comprehensive plan and program for emergency management of the State" as required by 20 DEL. C. § 3107(1); and,

WHEREAS, in accordance with paragraph 9 of Executive Order Number 13, the Director, in consultation with and under the direction of the Secretary, is authorized to amend the Plan as necessary in order to achieve preparedness goals and objectives of the nation and the State of Delaware in accordance with state or federal law;

WHEREAS, the Director, in consultation with and under the direction of the Secretary, has amended the Plan consistent with federal guidelines, including those set forth in Version 2.0 of the Comprehensive Preparedness Guide 101, issued by the Federal Emergency Management Agency in November 2010; and

WHEREAS, the amended Delaware Emergency Operations Plan, developed pursuant to the requirements of 20 DEL. C. § 3107, has been reviewed by the various departments and agencies tasked therein as establishing the policies and procedures to be followed by the State of Delaware in executing all emergency or disaster operations;

NOW, THEREFORE, I, JACK A. MARKELL, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby DECLARE and ORDER that:

1. The Delaware Emergency Operations Plan (the "Plan") is hereby adopted and shall be considered the "comprehensive plan and program for emergency management of the State" as required in 20 DEL. C. § 3107(1).
2. That each executive department or agency of the State shall be responsible for emergency services as assigned in the Delaware Emergency Operations Plan.
3. That each executive department or agency assigned a responsibility in the Plan shall maintain, as directed by the Delaware Emergency Management Agency, in consultation with the Secretary, comprehensive standard operating procedures for executing its assigned emergency responsibilities.
4. That each executive department or agency assigned a lead or support role in the Plan shall name a primary and alternate Emergency Services Coordinator ("ESC") to coordinate the department's or agency's emergency functions, to include planning, response, and mitigation activities, with the Delaware Emergency Management Agency.
5. That each executive department or agency shall execute, without delay, the emergency functions so designated in the Plan or further ordered by the Governor or the Director, in consultation with, and under the direction of, the Secretary, in preparation for or

during response to and recovery from any emergency or disaster through the initial use of existing agency appropriations and all necessary agency personnel, regardless of normal duty assignment.

6. That each executive department or agency shall develop plans to ensure continuity of operations during times of emergency, consistent with the requirements in the Plan or as may be promulgated by the Secretary through the Delaware Emergency Management Agency to ensure its ability to carry out essential government functions in the aftermath of a disaster or emergency.

7. That all other executive boards, departments, agencies, associations, institutions, and authorities not assigned a specific role in the Delaware Emergency Operations Plan will, in an emergency, carry out whatever duties or services as may be specified or directed by the Governor or the Director, in consultation with and under the direction of the Secretary, consistent with their capabilities and limitations.

8. That the Director or his or her designee, in consultation with and under the direction of the Secretary, is hereby authorized to implement the Delaware Emergency Operations Plan and activate the State Emergency Operations Center in order to provide necessary state government services in the event of a declared emergency. Activation of the State Emergency Operations Center shall constitute implementation of this Plan.

9. That the Director of the Delaware Emergency Management Agency, in consultation with and under the direction of the Secretary, is authorized to amend the Plan as necessary in order to achieve preparedness goals and objectives of the nation and the State of Delaware in accordance with state or federal law. The Director is further responsible for maintaining and updating this plan, as required, in coordination with the appropriate agencies. This Plan supersedes the Delaware Emergency Operations Plan, dated November 2, 2009, in its entirety. Effective immediately, Executive Order Number Thirteen is hereby rescinded.

APPROVED this 3rd day of May, 2013

J. Markell

Governor

ATTEST:

[Signature]

Secretary of State

